

# JOURNAL OF THE SENATE

## EIGHTY-NINTH SESSION

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THIRTY-SEVENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, March 14, 2014

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend John Armstrong, followed by the Pledge of Allegiance led by Senate page Noah Brown, Megan Larsen, Alli Steckelberg, and Wynne Wilfahrt.

Roll Call: All members present.

### APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

1 Sen. Rave moved that the Senate do now recess until 12:00 noon, which motion prevailed  
2 and at 10:10 a.m., the Senate recessed.

3 **RECESS**

4 The Senate reconvened at 12:10 p.m., the President presiding.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
8 and Enrolling has carefully compared SB 1, 65, 108, 158, and 177 and finds the same correctly  
9 enrolled.

10 Respectfully submitted,  
11 Corey Brown, Chair

12 **MESSAGES FROM THE HOUSE**

13 MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has appointed Reps. Gosch,  
15 Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet with a like  
16 committee on the part of the Senate pertaining to fixing the time of adjournment sine die for the  
17 Eighty-ninth Legislative Session.

18 Also MR. PRESIDENT:

19 I have the honor to inform your honorable body that the House has appointed Reps. Gosch,  
20 Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet with a like  
21 committee on the part of the Senate to wait upon his Excellency, the Governor, to inform him  
22 that the Legislature has completed its labors, is ready to adjourn sine die, and to ascertain if he  
23 has any further communications to make to the Legislature.

24 Respectfully,  
25 Arlene Kvislen, Chief Clerk

1 Sen. Lederman moved that the Senate do now recess until 3:00 p.m., which motion  
2 prevailed and at 12:14 p.m., the Senate recessed.

3 **RECESS**

4 The Senate reconvened at 3:00 p.m., the President presiding.

5 There being no objection, the Senate reverted to Order of Business No. 4.

6 **COMMUNICATIONS AND PETITIONS**

7 March 14, 2014

8 Mr. President and Members of the Senate:

9 I have the honor to inform you that on March 14, 2014, I approved Senate Bills 9, 27, 31,  
10 32, 69, 75, 77, 82, 84, 97, 102, 113, 122, 124, 145, 154, 163, and 186, and the same have been  
11 deposited in the office of the Secretary of State.

12 Respectfully submitted,  
13 Dennis Daugaard  
14 Governor

15 March 14, 2014

16 Mr. President and Members of the Senate:

17 I have the honor to inform you that on March 14, 2014, I approved Senate Bills 2, 3, 7, 23,  
18 25, 46, and 118, and the same have been deposited in the office of the Secretary of State.

19 Respectfully submitted,  
20 Dennis Daugaard  
21 Governor

22 **SIGNING OF BILLS**

23 The President publicly read the title to

24 SB 1: FOR AN ACT ENTITLED, An Act to provide for the selection of the chair and vice  
25 chair of the Executive Board of the Legislative Research Council, to revise the membership of  
26 the Executive Board, to provide for the term of each constituted Executive Board, to provide  
27 for the year-round governance of the Legislative Research Council by the Executive Board, and  
28 to provide for continuity of board membership.

1 SB 65: FOR AN ACT ENTITLED, An Act to revise and clarify voter eligibility for road  
2 district elections.

3 SB 108: FOR AN ACT ENTITLED, An Act to require a study of services and insurance  
4 coverage for the treatment of autism spectrum disorder for children.

5 SB 158: FOR AN ACT ENTITLED, An Act to revise certain funding provisions of the  
6 building South Dakota fund.

7 SB 177: FOR AN ACT ENTITLED, An Act to make an appropriation to provide  
8 contingency funds to be made available for unanticipated costs related to medical services and  
9 to declare an emergency.

10 HB 1040: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act  
11 for fiscal year 2014.

12 HB 1041: FOR AN ACT ENTITLED, An Act to make an appropriation for the railroad  
13 trust fund and to declare an emergency.

14 HB 1112: FOR AN ACT ENTITLED, An Act to appropriate general funds and higher  
15 education facility funds to replace a portion of the other funds appropriated for the construction  
16 of swine teaching and research facilities at South Dakota State University and to declare an  
17 emergency.

18 HB 1122: FOR AN ACT ENTITLED, An Act to define the limitations of interstate  
19 compacts relating to the collection of civil fines.

20 HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school  
21 board opening day decision petitions.

22 HB 1175: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to expand  
23 university facilities at the University of South Dakota, to make an appropriation therefor, and  
24 to declare an emergency.

25 HB 1194: FOR AN ACT ENTITLED, An Act to establish certain requirements relating  
26 to the crossings of railroad rights-of-way by utilities.

27 HB 1203: FOR AN ACT ENTITLED, An Act to improve the financial practices of the  
28 State of South Dakota.

29 HB 1249: FOR AN ACT ENTITLED, An Act to revise the required hours in a school term  
30 for certain grade levels.

31 And signed the same in the presence of the Senate.

1 Sen. Rave moved that the Senate do now recess until 4:30 p.m., which motion prevailed  
2 and at 3:07 p.m., the Senate recessed.

3 **RECESS**

4 The Senate reconvened at 4:42 p.m., the President presiding.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. PRESIDENT:

7 The Committee on Legislative Procedure respectfully reports that SB 1, 65, 108, 158, and  
8 177 were delivered to his Excellency, the Governor, for his approval at 4:20 p.m., March 14,  
9 2014.

10 Respectfully submitted,  
11 Corey Brown, Chair

12 Also MR. PRESIDENT:

13 The Committee on Appropriations respectfully reports that it has had under consideration  
14 SB 187 and returns the same with the recommendation that said bill be amended as follows:

15 187di

16 On page 5, line 30, of the printed bill, DECREASE Personal Services OTHER FUNDS  
17 \$78,825.

18 On page 5, line 34, DECREASE FTEs 1.0.

19 On page 6, line 10, DECREASE Operating Expenses OTHER FUNDS \$610, 951.

20 On page 20, line 45, INCREASE Personal Services OTHER FUNDS \$78,825.

21 On page 20, line 46, INCREASE Operating Expenses OTHER FUNDS \$610,951.

22 On page 20, line 49, INCREASE FTEs 1.0.

23 Adjust all totals accordingly.

24 DESCRIPTION: This amendment shifts the teletype functions of State Radio from the Bureau  
25 of Information and Telecommunications to the Department of Public Safety. (BFM)

1 187ni

2 On page 11, line 10 of the printed bill, INCREASE Operating Expenses GENERAL  
3 FUNDS \$30,614

4 Adjust all totals accordingly.

5 DESCRIPTION: Game, Fish and Parks - Increase general funds due to changes in bond  
6 payments related to the Angostura Recreation Area and the Cedar Shore Resort marina. A like  
7 amount of the State Parks and Recreation other funds are transferred into the general fund  
8 resulting in a net zero impact to the general fund. (BFM)

9 187dj

10 On page 39, line 14, of the printed bill, delete "\$123" and insert "\$129".

11 On page 39, line 15, delete "\$123" and insert "\$129".

12 On page 39, line 16, delete "\$123" and insert "\$129".

13 On page 39, line 17, delete "\$123" and insert "\$129".

14 On page 39, line 18, delete "\$123" and insert "\$129".

15 On page 39, line 19, delete "\$123" and insert "\$129".

16 On page 39, line 20, delete "\$123" and insert "\$129".

17 On page 39, line 21, delete "\$123" and insert "\$129".

18 On page 39, line 22, delete "\$123" and insert "\$129".

19 On page 39, line 23, delete "\$123" and insert "\$129".

20 On page 39, line 24, delete "\$123" and insert "\$129".

21 DESCRIPTION: Legislature - As per SDCL 4-7-10.4, the budget report must contain a schedule  
22 disclosing per diem rates for committees. This amendment will update the amounts as per  
23 187mm. (Sen. Peters)

24 187aa

25 On page 29, line 6 of the printed bill, INCREASE FTEs 0.5

26 Adjust all totals accordingly.

27 DESCRIPTION: Unified Judicial System - Increase FTE authority to increase part-time  
28 magistrate position in Pennington County to full-time. (UJS)

1 187mb

2 On page 22, line 41, of the printed bill, delete "378.8" and insert "433.4".

3 DESCRIPTION: Board of Regents - The South Dakota School of Mines and Technology is  
4 requesting an additional 54.6 FTE due to the elimination of the Aramark contract on December  
5 31, 2013. The custodial and maintenance duties will now be done "in house" by the institution  
6 making the additional FTE a necessity. SDSM&T was the only institution outsourcing this  
7 service. (Board of Regents)

8 187mv

9 On page 19, line 25 of the printed bill, INCREASE Operating Expenses GENERAL  
10 FUNDS \$2,200,521

11 Adjust all totals accordingly.

12 DESCRIPTION: Increase the state aid to general education per student allocation by \$16.72 per  
13 student from \$4,764.42 to \$4,781.14. (Sen. Peters)

14 187mr

15 On page 20, line 3 of the printed bill, INCREASE Operating Expenses GENERAL FUNDS  
16 \$140,172

17 Adjust all totals accordingly.

18 DESCRIPTION: DOE. Increase funding (approx. \$22.41 per student FTE) to state aid to  
19 postsecondary education. (Sen. Peters)

20 187mw

21 On page 29, line 44 of the printed bill, INCREASE Personal Services GENERAL FUNDS  
22 \$71,200

23 On page 29, line 48, INCREASE FTEs 1.0

24 Adjust all totals accordingly.

25 DESCRIPTION: Attorney General - Increase general funds by \$71,200 for a new DCI agent  
26 stationed in Aberdeen. (Senator Novstrup)

27 187mu

28 On page 29, line 17 of the printed bill, INCREASE Appropriation GENERAL FUNDS  
29 \$21,000

30 Adjust all totals accordingly.

1 DESCRIPTION: Legislature - Funding for two task forces per SB 154 (Jolene's Law Task  
2 Force) and HB 1213 (SD Tribal Economic Development Task Force). (Sen. Peters)

3 187mn

4 On page 29, line 17 of the printed bill, INCREASE Appropriation GENERAL FUNDS  
5 \$43,794

6 Adjust all totals accordingly.

7 DESCRIPTION: Legislature - As per SB 124, revise reimbursement to newly appointed and  
8 elected legislators (new legislator orientation, Appropriations hearings, etc., estimate 38  
9 members). (Sen. Peters)

10 187hv

11 On page 12, line 11 of the printed bill, INCREASE Operating Expenses GENERAL  
12 FUNDS \$82,176 and INCREASE Operating Expenses FEDERAL FUNDS \$1,560

13 On page 12, line 18, INCREASE Operating Expenses GENERAL FUNDS \$334,736 and  
14 INCREASE Operating Expenses FEDERAL FUNDS \$315,292

15 On page 12, line 25, INCREASE Operating Expenses GENERAL FUNDS \$65,178 and  
16 INCREASE Operating Expenses FEDERAL FUNDS \$44,183 and INCREASE Operating  
17 Expenses OTHER FUNDS \$3,399

18 On page 12, line 32, INCREASE Operating Expenses GENERAL FUNDS \$111,909 and  
19 INCREASE Operating Expenses FEDERAL FUNDS \$35,180 and INCREASE Operating  
20 Expenses OTHER FUNDS \$982

21 On page 25, line 38, INCREASE Operating Expenses GENERAL FUNDS \$40,338 and  
22 INCREASE Operating Expenses FEDERAL FUNDS \$19,570

23 On page 26, line 39, INCREASE Operating Expenses GENERAL FUNDS \$162,673 and  
24 INCREASE Operating Expenses FEDERAL FUNDS \$204,100

25 On page 29, line 3, INCREASE Operating Expenses GENERAL FUNDS \$2,990 and  
26 INCREASE Operating Expenses FEDERAL FUNDS \$219

27 Adjust all totals accordingly.

28 DESCRIPTION: DSS, DOC, DHS, UJS. This amendment adjusts base budgets for Medicaid  
29 providers in South Dakota by 0.3%.

1 187mx

2 On page 12, line 18 of the printed bill, DECREASE Operating Expenses GENERAL  
3 FUNDS "\$5,203,462".

4 On page 12, line 18, DECREASE Operating Expenses FEDERAL FUNDS "\$5,664,253".

5 Adjust all totals accordingly.

6 DESCRIPTION: This amendment adjusts updated figures for Title XIX and Title XXI eligibles  
7 and utilization within Medical Services.

8 And that as so amended said bill do pass.

9 Respectfully submitted,  
10 Deb Peters, Chair

11 **MOTIONS AND RESOLUTIONS**

12 SENATE PAGE RESOLUTION 5 Introduced by: Senators Begalka; Bradford; Brown;  
13 Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen;  
14 Jones, Chuck; Jones, Tom; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al;  
15 Omdahl; Otten, Ernie; Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann;  
16 Tieszen; Van Gerpen; Vehle; Welke; White

17 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-ninth  
18 Legislature of the State of South Dakota to Noah Brown, Megan Larsen, Alli Steckelberg,  
19 Wynne Wilfahrt

20 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-ninth  
21 Legislative Session; and

22 WHEREAS, the members of the Eighty-ninth Senate express their most sincere  
23 appreciation to these young people for their service to the state; and

24 WHEREAS, the members extend to these young people their wishes for every success in  
25 life:

26 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth Legislature  
27 of the State of South Dakota, that a personal copy of this resolution be duly certified and  
28 furnished to each page on this last day of service.

1 Sen. Lederman moved that Senate Page Resolution 5 be adopted.

2 The question being on Sen. Lederman's motion that Senate Page Resolution 5 be adopted.

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
7 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
8 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden;  
9 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

10 Excused:

11 Peters

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried.

14 Sen. Rave moved that the Senate do now recess until 5:45 p.m., which motion prevailed  
15 and at 5:05 p.m., the Senate recessed.

16 **RECESS**

17 The Senate reconvened at 5:50 p.m., the President presiding.

18 Sen. Rave moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on  
19 Monday, March 31, the 38<sup>th</sup> legislative day.

20 Which motion prevailed.

21 Sen. Rave moved that a committee of three on the part of the Senate be appointed to meet  
22 with a like committee on the part of the House to wait upon his Excellency, the Governor, to  
23 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to  
24 ascertain if he has any further communications to make to the Legislature.

25 Which motion prevailed and the President announced as such committee Sens. Brown,  
26 Rave, and Frerichs.

27 Sen. Rave moved that a committee of three on the part of the Senate be appointed to meet  
28 with a like committee on the part of the House to fix the time of adjournment sine die for the  
29 Eighty-ninth Legislative Session.

1 Which motion prevailed and the President announced as such committee Sens. Lederman,  
2 Peters, and Sutton.

3 Sen. Rave moved that the rules be suspended for the sole purpose of introducing, giving  
4 first reading to, dispensing with committee referral, and placing on today's calendar a bill  
5 relating to per student allocation for fiscal year 2015.

6 The question being on Sen. Rave's motion that the rules be suspended for the sole purpose  
7 of introducing, giving first reading to, dispensing with committee referral, and placing on today's  
8 calendar a bill relating to per student allocation for fiscal year 2015.

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, Absent 0

11 Yeas:

12 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
13 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
14 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
15 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 So the motion having received an affirmative vote of a two-thirds majority of the members-  
17 elect, the President declared the motion carried.

18 **CONSIDERATION OF REPORTS OF COMMITTEES**

19 Sen. Rave moved that the reports of the Standing Committees on

20 Appropriations on SB 187 as found on page 675 of the Senate Journal be adopted.

21 Which motion prevailed.

22 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

23 SB 188 Introduced by: Senators Rave and Brown and Representatives Lust and Gosch

24 FOR AN ACT ENTITLED, An Act to set the per student allocation for fiscal year 2015.

25 Was read the first time.



1 DESCRIPTION: DSS - To expand South Dakota's Medicaid program in accordance with the  
2 Affordable Care Act. General Funds Total \$1,905,269. Federal Funds Total \$273,363,565. Total  
3 Funds \$275,268,834. FTE increase 39.0.

4 Sen. Rave moved the previous question.

5 Which motion prevailed.

6 Sen. Lucas requested a roll call vote.

7 Which request was supported.

8 The question being on Sen. Lucas's motion that SB 187 be amended.

9 And the roll being called:

10 Yeas 7, Nays 28, Excused 0, Absent 0

11 Yeas:

12 Bradford; Buhl O'Donnell; Frerichs; Jones (Tom); Lucas; Sutton; Welke

13 Nays:

14 Begalka; Brown; Curd; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones  
15 (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie);  
16 Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;  
17 White

18 So the motion not having received an affirmative vote of a majority of the members- elect,  
19 the President declared the motion lost.

20 The question now being "Shall SB 187 pass as amended?"

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

23 Yeas:

24 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
25 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
26 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
27 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

### 3 **SIGNING OF BILLS**

4 The President publicly read the title to

5 HB 1111: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the  
6 design, construction, and equipping of a veterans home near Hot Springs, to make an  
7 appropriation therefor, and to declare an emergency.

8 HB 1142: FOR AN ACT ENTITLED, An Act to enhance the support for public  
9 postsecondary technical institutes, to transfer certain funds, to make an appropriation therefor,  
10 and to declare an emergency.

11 HB 1177: FOR AN ACT ENTITLED, An Act to prohibit certain use of handheld electronic  
12 wireless communication devices while driving and to provide a penalty therefor.

13 HB 1206: FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental  
14 obligations to the South Dakota Building Authority by the Bureau of Finance and Management,  
15 to make an appropriation therefore, and to declare an emergency.

16 HB 1213: FOR AN ACT ENTITLED, An Act to analyze and promote economic  
17 development for South Dakota's Native American population and to establish a task force.

18 And signed the same in the presence of the Senate.

19 There being no objection, the Senate reverted to Order of Business No. 7.

### 20 **MESSAGES FROM THE HOUSE**

21 MR. PRESIDENT:

22 I have the honor to return herewith SB 187 and 188 which have passed the House without  
23 change.

24 Respectfully,  
25 Arlene Kvislen, Chief Clerk

26 There being no objection, the Senate reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 187 and 188 and finds the same correctly enrolled.

Respectfully submitted,  
Corey Brown, Chair

## SIGNING OF BILLS

The President publicly read the title to

SB 187: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the expenses of state institutions, interest on the public debt, and for common schools.

SB 188: FOR AN ACT ENTITLED, An Act to set the per student allocation for fiscal year 2015.

And signed the same in the presence of the Senate.

There being no objection, the Senate reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 187 and 188 were delivered to his Excellency, the Governor, for his approval at 7:58 p.m., March 14, 2014.

Respectfully submitted,  
Corey Brown, Chair

Sen. Ewing moved that the Senate do now adjourn, which motion prevailed and at 8:00 p.m. the Senate adjourned.

Jeannette Schipper, Secretary

